

# U.S. Naturalization Policy

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## Summary

Naturalization is the process that grants U.S. citizenship to lawful permanent residents (LPRs) who fulfill requirements established by Congress in the Immigration and Nationality Act (INA). In general, U.S. immigration policy gives all LPRs the opportunity to naturalize, and doing so is a voluntary act. LPRs in most cases must have resided continuously in the United States for five years, show they possess good moral character, demonstrate English competency, and pass a U.S. government and history examination as part of their naturalization interview. The INA waives some of these requirements for applicants over age 50 with 20 years of U.S. residency, those with mental or physical disabilities, and those who have served in the U.S. military.

Naturalization is often viewed as a milestone for immigrants and a measure of their assimilation and socioeconomic integration to the United States. Practically, naturalized immigrants gain important benefits, including the right to vote, security from deportation in most cases, access to certain public-sector jobs, and the ability to travel with a U.S. passport. U.S. citizens are also advantaged over LPRs for sponsoring relatives to immigrate to the United States. Despite the clear benefits of U.S. citizenship status over LPR status, millions of LPRs who are eligible to naturalize do not do so.

In the past two decades, the number of LPRs who submitted petitions to naturalize has increased more than four-fold, from about 207,000 in FY1991 to 899,000 in FY2012. Since 2003, the number of denied petitions has declined. Naturalization petition volume spiked to roughly 1.4 million in FY1997 and FY2007 due primarily to passage of the Immigration Reform and Control Act of 1986, which legalized many unauthorized foreign born, and the Immigration Act of 1990, which increased statutory limits on the numbers of legal immigrants admitted.

Research on determinants of naturalization suggests that the propensity to naturalize is positively associated with youth and educational attainment. Those who immigrate as refugees and asylees are more likely to naturalize than those who immigrate as relatives of U.S. residents. Immigrants from countries with less democratic or more oppressive political systems are more likely to naturalize than those from more democratic nations. Immigrants from Mexico or other nearby countries in Central America have among the lowest percentages of naturalized foreign born.

Congress is currently considering extensive reforms to U.S. immigration laws, which could affect naturalization policy and the number of persons who naturalize each year. Although concerns regarding U.S. Citizenship and Immigration Services (USCIS) petition processing capabilities sometimes arise when large numbers of foreign nationals petition for immigration benefits, the agency's capacity and recent modernization efforts have minimized excessive processing delays.

Several issues for Congress center on facilitating naturalization. Immigrant advocacy organizations contend that the current level of naturalization fees discourages immigrants from seeking U.S. citizenship. Other immigration policy observers argue that current fees recover the full cost of a process that is intended to be self-financing. Some in Congress have repeatedly expressed interest in facilitating language and civics instruction as a means to promote naturalization. Others argue that English language proficiency as well as civics education is the responsibility of immigrants and not the federal government. Recent efforts have focused on further streamlining and expediting naturalizations for military personnel and in providing immigration benefits for their relatives. Proposals have also been introduced that would revise the naturalization oath to place greater emphasis on allegiance to the United States.

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## Introduction

Naturalization is the process by which an immigrant<sup>1</sup> attains U.S. citizenship after he or she fulfills requirements established by Congress and outlined in the Immigration and Nationality Act (INA). U.S. immigration policy gives all lawful permanent residents who meet the naturalization requirements the opportunity to become citizens.

Applying for citizenship is a voluntary act and represents an important milestone for immigrants. Naturalization and citizenship are generally viewed as a measure of immigrants' assimilation and socioeconomic integration to the United States.<sup>2</sup> The policy manual of U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) states:

United States citizenship is a unique bond that unites people around civic ideals and a belief in the rights and freedoms guaranteed by the U.S. Constitution. The promise of citizenship is grounded in the fundamental value that all persons are created equal and serves as a unifying identity to allow persons of all backgrounds, whether native or foreign-born, to have an equal stake in the future of the United States.<sup>3</sup>

Naturalization requirements include U.S. residence (typically five years), the possession of good moral character, demonstrated English proficiency, and a basic knowledge of U.S. civics and history.<sup>4</sup> (See “**Naturalization Requirements**” below.)

Practically, naturalized immigrants gain important benefits, including the right to vote, security from deportation, access to certain public-sector jobs, and the ability to travel abroad on a U.S. passport.<sup>5</sup> U.S. citizens are also advantaged over lawful permanent residents (LPRs) for sponsoring relatives to immigrate to the United States. Despite the benefits of U.S. citizenship status over lawful permanent residence status, substantial numbers of LPRs who are eligible to naturalize have not done so.<sup>6</sup>

Congress is currently considering extensive reforms to U.S. immigration laws which, if enacted in some form, could affect naturalization policy and the number of persons who naturalize each year. The Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744) passed by the Senate in June 27, 2013 included several naturalization-related provisions. The bill

<sup>1</sup> Immigrant refers to a foreign national admitted to the United States as a lawful permanent resident. In this report, “immigrant” is synonymous with “lawful permanent resident” or “legal permanent resident (LPR).”

<sup>2</sup> See for instance Irene Bloemraad, *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada* (Berkeley and Los Angeles, CA: University of California Press, 2006) (hereinafter “Bloemraad, 2006.”)

<sup>3</sup> U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *USCIS Policy Manual*, Volume 12: Citizenship and Naturalization, Chapter 1.

<sup>4</sup> INA §312, 8 U.S.C. §1423, and §316, 8 U.S.C. §1427. Good moral character is defined in INA§101(f), 8 U.S.C. §1101(f).

<sup>5</sup> U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *USCIS Policy Manual*, Volume 12: Citizenship and Naturalization, Chapter 2.

<sup>6</sup> DHS estimates that as of January 1, 2011, 8.5 million LPRs who were eligible to naturalize have not done so, out of a total estimated LPR population of 13.1 million. Nancy Rytina, *Estimates of the Legal Permanent Resident Population in 2011*, Department of Homeland Security, Office of Immigration Statistics, Population Estimates, Washington, DC, July 2012. Naturalization rates are disproportionately affected by relatively low rates among Mexican immigrants. See Ana Gonzalez-Barrera, Mark Hugo Lopez, and Jeffrey Passel, et al., *The Path Not Taken: Two-thirds of Legal Mexican Immigrants are not U.S. Citizens*, Pew Hispanic Center, Washington, DC, February 4, 2013 (hereinafter “Gonzalez-Barrera et al 2013.”) For a discussion of naturalization among the Hispanic population, See Paul Taylor, Ana Gonzalez-Barrera, and Jeffrey S. Passel, et al., *An Awakened Giant: The Hispanic Electorate Is Likely to Double by 2030*, Pew Hispanic Center, Washington, DC, November 14, 2012, p. 10.

would grant legal status for many unauthorized aliens currently residing in the United States; increase the number of LPRs admitted under family- and employment-based provisions of the INA;<sup>7</sup> and ease naturalization requirements for older and disabled LPRs.<sup>8</sup> Such provisions would increase the number of immigrants eligible to naturalize.

The House has reported four immigration bills, including H.R. 2278, the Strengthen and Fortify Enforcement Act (SAFE Act), and H.R. 2131, the Supplying Knowledge-based Immigrants and Lifting Levels of STEM Visas Act (SKILLS Visa Act). These two bills contain provisions that would alter current admission levels of family- and employment-based immigration, as well as naturalization criteria, which, in turn, would alter the number of immigrants eligible to naturalize.

This report reviews the rights and obligations that come with naturalization. It examines the naturalization process, discusses recent trends regarding who, among the roughly 1 million immigrants entering the United States each year, ultimately becomes a U.S. citizen, and discusses recent naturalization-related policy issues. While the process of naturalization can be analyzed relative to different legal statuses, the emphasis of this report is limited to the naturalization of lawful permanent residents.<sup>9</sup>

## Impacts of Naturalization

### Rights of Citizenship

The Constitution and laws of the United States give many of the same rights to both non-citizens and U.S. citizens living in the United States. However, only U.S. citizens may

- vote in federal, state, and most local elections;
- receive U.S. citizenship for their minor children born abroad;
- travel with a U.S. passport and receive diplomatic protection from the U.S. government while abroad;
- receive full protection from deportation and loss of residence rights;

<sup>7</sup> Family-based and employment-based provisions of the INA are two frequently-used provisions by which foreign nationals acquire lawful permanent residence in the United States. The former requires a close family relationship between the foreign national and a U.S. citizen or LPR, while the latter requires a U.S. employer to hire and sponsor a foreign national for LPR status. For more information on family-based and employment-based immigration provisions, respectively, see CRS Report R43145, *U.S. Family-Based Immigration Policy*, by William A. Kandel and CRS Report R42866, *Permanent Legal Immigration to the United States: Policy Overview*, by Ruth Ellen Wasem.

<sup>8</sup> S. 744 Title II, Subtitles A, C, and E. The unauthorized alien population has been most recently estimated by the Pew Hispanic Center at 11.5 million persons. For more information, see Pew Hispanic Center, *A Nation of Immigrants: A Portrait of the 40 Million, Including 11 Million Unauthorized*, January 29, 2013.

<sup>9</sup> The accuracy of naturalization statistics depends on the data source. Administrative data from actual naturalization petitions are recorded by the DHS Office of Immigration Statistics (OIS). While OIS reports such data at the national and state levels in its annual *Yearbook of Immigration Statistics*, the agency does not make publically available its data for individual-level analyses. Hence, naturalization research relies heavily on publically available individual-level data sets such as the American Community Survey, the Current Population Survey, and the Decennial Census. Several studies have questioned the accuracy of citizenship self-reporting in all three datasets. See Jennifer Van Hook and James D. Bachmeier, “How well does the American Community Survey count naturalized citizens?,” *Demographic Research*, Vol. 29, pp. 1-32, 2013 and Jeffrey Passel and Rebecca Clark, “How Many Naturalized Citizens Are There? An Assessment of Data Quality in the Decennial Census and CPS,” paper presented at the Annual Meeting of the Population Association of America, Washington, DC, March 1997.

- meet the citizenship requirement for federal and many state and local civil service employment, including jobs with law enforcement agencies and Defense Department contractors;
- receive the full range of federal public benefits and certain state benefits;
- participate in a jury; and
- run for elective office where citizenship is required.<sup>10</sup>

U.S. citizens may also sponsor family members living abroad for legal permanent residence to a greater extent than LPRs (i.e., married minor and adult children, and siblings). U.S. citizens may sponsor certain relatives for legal permanent residence—spouses, minor unmarried children, and parents—outside of numerical limits established in the INA.<sup>11</sup> As such, their sponsored relatives may immigrate to the United States immediately without having to wait for a visa. In contrast, LPRs must sponsor relatives for LPR status within numerically limited family preference categories that require waiting for a visa to become available.<sup>12</sup>

Other benefits from naturalization include access to public benefits which may either be restricted to only U.S. citizens or may require five to seven years of LPR status. Access to state and local public benefits according to legal status varies by state.<sup>13</sup>

Citizenship is permanent and relieves one of the continuous residency requirements LPRs must meet to maintain their legal status<sup>14</sup> as well as to preserve their option to naturalize (see “**Continuous Residence**” below). Except for acts that bear on the integrity of the naturalization process itself, citizenship through naturalization is as secure as citizenship acquired at birth (see “**Dual Citizenship**” below).

## Outcomes for the United States

The United States benefits from having eligible foreign-born persons naturalize and acquire U.S. citizenship. By naturalizing, the foreign born are able to vote in public elections, participate in jury duty, and run for elective office where citizenship is required. Symbolically and legally, naturalization represents an individual’s commitment to his or her new country, sufficiently so that Congress has sometimes introduced legislation to facilitate naturalization and discourage dual citizenship (see “**Dual Citizenship**” below).<sup>15</sup>

<sup>10</sup> U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *USCIS Policy Manual*, Volume 12: Citizenship and Naturalization, June 10, 2013, Chapter 2, pp. 107-108.

<sup>11</sup> For further discussion, see CRS Report R43145, *U.S. Family-Based Immigration Policy*, by William A. Kandel.

<sup>12</sup> Because more applicants who qualify for LPR status exist than the annual number of visas established in the INA, a sizeable queue has developed. Hence, family-preference immigrants sponsored by LPRs must wait between an estimated two to eight years to acquire a visa to immigrate to the United States. In addition, for countries that send large numbers of immigrants to the United States, such as Mexico, the Philippines, India, and China, the waiting periods are often longer for any given family preference category. See U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin for October 2013*.

<sup>13</sup> For more information, see CRS Report RL33809, *Noncitizen Eligibility for Federal Public Assistance: Policy Overview and Trends*, by Ruth Ellen Wasem.

<sup>14</sup> Most non-U.S. citizens must report a change of address within 10 days of moving within the United States or its territories. INA §265(a), 8 U.S.C. §1305.

<sup>15</sup> These benefits and responsibilities also raise concerns among naturalization advocates, including whether the legal prohibition against LPRs serving on juries significantly alters the ethnic or racial representation on juries, and the extent to which non-citizens are counted for the apportionment of legislative seats and the dispersal of public monies. As of this writing, California, with its considerable foreign-born population, is poised to become the first state in the

In addition to greater civic participation and commitment, empirical research offers evidence of economic benefits to the foreign born who naturalize, including a number of studies showing significant wage gains after controlling for personal characteristics such as education and work experience.<sup>16</sup> Such impacts can be considerable when aggregated to the national level.<sup>17</sup>

## Naturalization Requirements

To qualify for U.S. citizenship, LPRs must meet four major requirements.<sup>18</sup> They must

- be at least 18 years of age;
- reside continuously in the United States for five years (three years for spouses of U.S. citizens);
- be of good moral character;
- demonstrate the ability to read, write, speak, and understand English;
- pass an examination on U.S. government and history; and
- be willing and able to take the naturalization Oath of Allegiance.

USCIS is responsible for reviewing all naturalization petitions to ensure applicants meet U.S. citizenship eligibility requirements.<sup>19</sup> This assessment includes security and criminal background checks, a review of the applicant's entire immigration history, an in-person interview; an English test, and a civics knowledge exam. Petitioners bear the burden of proof to demonstrate that they entered the United States lawfully.<sup>20</sup> Upon approval, they must take an oath of allegiance to the United States and renounce allegiance to any foreign state.<sup>21</sup> Persons whose naturalization applications have been denied may request a hearing before an immigration officer.<sup>22</sup>

## Continuous Residence

To be naturalized, a person admitted as an LPR must have *resided continuously* for at least five years within the United States prior to the date he or she filed a naturalization application. For periods totaling at least half of that time, the individual must have been *physically present* in the

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nation that would permit lawful permanent residents to serve on juries. See Jennifer Medina, "California Gives Expanded Rights to Noncitizens," *New York Times*, September 20, 2013. For more information on the debate over jury and political representation, see Gerald M. Rosberg, 1997, "Aliens and Equal Protection: Why Not the Right to Vote?" *Michigan Law Review*, 75:1092; and Gabriela Evia, 2003, "Consent by All the Governed: Reenfranchising Noncitizens as Partners in America's Democracy," *Southern California Law Review*, 77: 1 (November): 162. For a contrasting perspective, see Stanley Renshon, *Allowing Non-Citizens to Vote in the United States? Why Not*, Center for Immigration Studies, September 2008.

<sup>16</sup> See for example Bernt Bratsberg, James F. Ragan Jr., and Zafar M. Nasir, "The Effect of Naturalization on Wage Growth: A Panel Study of Young Male Immigrants," *Journal of Labor Economics*, vol. 20, no. 3 (July 2002), pp. 568-597; and Madeleine Sumption and Sarah Flamm, *The Economic Value of Citizenship for Immigrants in the United States*, Migration Policy Institute, Washington, DC, September 2012.

<sup>17</sup> Manuel Pastor and Justin Scoggins, *Citizen Gain: The Economic Benefits of Naturalization for Immigrants and the Economy*, Center for the Study of Immigrant Integration, University of Southern California, December 2012.

<sup>18</sup> Details on each of these requirements can be found at the USCIS website that details C.F.R. 316.1: <http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-45094/0-0-0-46773.html>.

<sup>19</sup> INA §335, 8 U.S.C. §1446.

<sup>20</sup> INA §318, 8 U.S.C. §1429.

<sup>21</sup> INA §337, 8 U.S.C. §1448.

<sup>22</sup> INA §336, 8 U.S.C. §1447.



United States. The individual also must have lived for at least three months within the State or district in which he or she filed the application.<sup>23</sup>

The period of continuous residence required for naturalization is broken by an absence of over a year unless the alien is employed abroad by the government, an international organization, a research institute, or an American company engaged in foreign trade. An absence of between six months and one year presumptively breaks continuous residence unless the petitioner can establish that he or she did not abandon U.S. residence during that period.<sup>24</sup>

Certain classes of LPRs either are exempt from the residency requirement or are subject to shorter residency periods.<sup>25</sup> Unmarried children under age 18 living with a citizen parent are exempt from any residency requirement.<sup>26</sup> The residency requirement for spouses of American citizens is three years instead of five years, and the physical presence requirement is one and a half years.<sup>27</sup> Residency requirements also are modified for other special classes.<sup>28</sup>

## Good Moral Character

To be eligible for naturalization, petitioners must demonstrate that they have been persons of good moral character during the applicable statutory period (five years in most cases) preceding their petition.<sup>29</sup> The definition of good moral character can be found not in the INA but in case law interpretation. However, the INA bars a finding of good moral character if a naturalization applicant, over the course of the applicable statutory period, commits certain crimes or engages in certain illegal or what are widely considered immoral acts and behaviors.<sup>30</sup>

<sup>23</sup> INA §316(a), 8 U.S.C. §1427(a).

<sup>24</sup> INA §316(b), 8 U.S.C. §1427(b).

<sup>25</sup> Residency requirements are not applied to children adopted by U. S. citizens (INA §320) nor to aliens who served honorably in any period of military hostilities for periods totaling at least one year (INA §328). Individuals whom USCIS determines have made extraordinary contributions to national security may be naturalized without regard to these residency requirements provided they have resided continuously in the United States for at least one year. This clause is limited however to five individuals per year (INA §316(f)). A similar rule applies to persons authorized to be temporarily absent in order to perform ministerial or priestly functions of a bona fide religious organization (INA §317).

<sup>26</sup> INA §322, 8 U.S.C. §1433.

<sup>27</sup> INA §319(a), 8 U.S.C. §1430(a).

<sup>28</sup> INA §319(a), 8 U.S.C. §1430(a). For example, an individual's absence from the United States due to his or her work with the Chief of Mission or U.S. Armed Forces as a translator or interpreter, some of which work was done in Iraq or Afghanistan, will not be considered a break in U.S. continuous residence for purposes of naturalization (P.L. 109-163, §1059(e)). Similarly, The Return of Talent Act (S. 2974), as reported by the Senate Judiciary Committee in the 111<sup>th</sup> Congress, would have enabled LPRs to temporarily return to their countries of origin for post-conflict or natural disaster reconstruction activities or to temporarily provide medical services in a needy country, as specified. During such absences, LPRs would have been considered physically present and residing in the United States for naturalization purposes. This visa category would have been capped at 1,000 aliens annually.

<sup>29</sup> In determining good moral character, the Attorney General is not limited to the applicant's conduct and acts during the five years preceding application but may also take into consideration behavior at any time prior to the applicable statutory period. INA 316(e) and C.F.R. 316.10(a)(2).

<sup>30</sup> The INA and Code of Federal Regulations (C.F.R.) specifies examples of lack of good moral character as the following: any crime against a person with intent to harm; any crime against property or the Government that involves "fraud" or evil intent; two or more crimes for which the aggregate sentence was five years or more; violating any controlled substance law of the United States, any State or any foreign country; habitual drunkenness; illegal gambling; prostitution; polygamy (marriage to more than one person at the same time); lying to gain immigration benefits; failing to pay court-ordered child support or alimony payments; confinement in jail, prison, or similar institution for which the total confinement was 180 days or more during the past five years (or three years if applying based on marriage to a

Anyone convicted of an aggravated felony at any time is statutorily barred from naturalization.<sup>31</sup> Aggravated felonies according to the INA include murder, rape, and sexual abuse of a minor; illegal trafficking in firearms; supervising a prostitution business; receiving stolen property; and, fraud or deceit in which the victims' losses exceed \$10,000, among other offenses.<sup>32</sup>

The USCIS naturalization examiner may go beyond what is specified in the INA to assess good moral character. For example, failure to pay child support may be a significant factor. Although adultery was removed as a statutory bar to naturalization in 1981, it may still be a basis for denying a petition under certain conditions.<sup>33</sup> The INA prohibits naturalization of persons opposed to government law, persons who favor totalitarian forms of governance,<sup>34</sup> and deserters from the Armed Forces.<sup>35</sup>

## English Language Proficiency and Civics Knowledge

Persons wishing to be naturalized must demonstrate an understanding of English, specifically an ability to read, write, and speak words in ordinary usage in the English language.<sup>36</sup> The language requirement is waived for those who are at least 50 years old and have lived in the United States at least 20 years, or who are at least 55 years old and have lived in the United States at least 15 years. For individuals for whom the language requirement is waived, the civics test is given in their native language. Special consideration on the civics requirement is to be given to aliens who are over 65 years and have lived in the United States for at least 20 years.<sup>37</sup> Both the language and civics requirements are waived for those unable to comply because of physical or developmental disabilities or mental impairment.<sup>38</sup> LPRs who serve in the U.S. military are eligible for expedited processing and waivers of certain requirements (see “**Military Naturalizations**” below).

## The Naturalization Process

### Application Procedures

Naturalization applicants file the USCIS Form N-400 naturalization application with USCIS along with a \$680 fee.<sup>39</sup> Following formal acknowledgement of receipt of the application, USCIS

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United States citizen); failing to complete any probation, parole, or suspended sentence before applying for naturalization; terrorist acts; persecution of anyone because of race, religion, national origin, political opinion, or social group. Drug convictions for a single instance of simple marijuana possession of 30 grams or less are excepted. INA §101(f), 8 C.F.R. 316.10.

<sup>31</sup> 8 C.F.R. 316.10(b)(ii).

<sup>32</sup> INA §101(a)(43), 8 U.S.C. §1101(a)(43).

<sup>33</sup> 8 C.F.R. §316.6(b)(3). See generally Gordon & Mailman, *supra* note 21, §95.04[1][b] and archived CRS Report RL32480, *Immigration Consequences of Criminal Activity*, by Michael John.

<sup>34</sup> INA §313, 8 U.S.C. §1424. See C.F.R. §316.11 which states that naturalization applicants must demonstrate “a depth of conviction that would lead to active support of the Constitution.”

<sup>35</sup> INA §314, 8 U.S.C. §1425.

<sup>36</sup> INA §312 (a)(1), 8 U.S.C. §1423(a)(1).

<sup>37</sup> INA §312(b)(3), 8 U.S.C. §1423(b)(3).

<sup>38</sup> INA §312(b), 8 U.S.C. §1423(b).

<sup>39</sup> Lawful Permanent Residents may also apply for a *Declaration of Intention* to become a U.S. citizen (USCIS Form N-300). This form is not required for naturalization, but may be required by some states for conducting certain business with that State. Filing the N-300 does not grant citizenship or nationality or the rights that come with them. INA §324.

instructs applicants regarding a mandatory appointment to have their fingerprints recorded. USCIS then schedules interviews with the applicants. During the interview, applicants are tested on their English ability and civics knowledge.<sup>40</sup> They have the option of taking a standardized civics test or of having the INS examiner quiz them about civics during the naturalization interview. Interview and exam results are provided to applicants at the end of the interview.<sup>41</sup>

Those who pass their interviews and exams become American citizens upon taking the Oath of Allegiance to the United States in a naturalization ceremony that can occur either the same day or in a ceremony at a later date.<sup>42</sup> At the time of the naturalization ceremony, LPRs are expected to bring several USCIS documents, including their Permanent Resident Card (“green card”) which they will no longer need. Lost cards may warrant further investigation and the demand for a police report.<sup>43</sup> After an LPR has taken the Oath, USCIS issues a naturalization certificate (Form N-550) to document the individual’s new status as a U.S. Citizen.<sup>44</sup>

## Child Naturalization

The INA specifies three general ways for a child to obtain citizenship through his or her parents, depending on whether or not the child was born in the United States, and for children born overseas, whether or not they reside in the United States. These sets of regulations are summarized as follows:

*A child born in the United States* automatically acquires U.S. citizenship regardless of the legal status of his or her parents, based on the principle of *jus soli*<sup>45</sup> and codified in the Citizenship Clause of the Fourteenth Amendment of the U.S. Constitution and Section 301(a) of the INA.<sup>46</sup>

*A child born outside the United States who resides in the United States* automatically acquires U.S. citizenship at birth if: (1) at least one parent, including an adoptive parent, is a U.S. citizen by birth or naturalization; (2) the child is under 18 years of age; (3) the child is an LPR; and (4) the child is residing in the United States in the legal and physical custody of the citizen parent.<sup>47</sup>

<sup>40</sup> 8 C.F.R. §312 and §335.

<sup>41</sup> Those who do not pass either the English or civics portions of the exam may take the exam a second time. For additional general information, see U.S. Citizenship and Immigration Services, *A Guide to Naturalization (M-476)* (Washington, D.C., 2012). For a detailed schematic diagram illustrating the steps required for processing an N-400 naturalization petition, see Government Accountability Office Report GAO-06-20, *Immigration Benefits: Improvements Needed to Address Backlogs and Ensure Quality of Adjudications*, November 2005, p.10.

<sup>42</sup> USCIS has devoted greater attention to performing more convenient naturalization ceremonies. Office of the Citizenship and Immigration Services Ombudsman, *CIS Ombudsman Study and Recommendation on Naturalization Oath Ceremonies*, U.S. Department of Homeland Security, Washington, DC, December 16, 2008.

<sup>43</sup> See USCIS Form N-445 for specific documentation requirements.

<sup>44</sup> INA §§338, 341, 8 U.S.C. §§1449, 1452, and C.F.R. §§338.1-338.5. In July 2013, USCIS announced it would begin issuing redesigned certificates for citizenship and naturalization for individuals who request replacement certificates. According to USCIS, the replacement certificates incorporate state-of-the-art technology to help deter counterfeiting, prevent tampering, and facilitate quick and accurate authentication. See U.S. Citizenship and Immigration Services, “USCIS Redesigns Replacement Citizenship and Naturalization Certificates,” press release, July 1, 2013.

<sup>45</sup> *Jus soli* is the principle that a person acquires citizenship in a nation by virtue of his birth in that nation or its territorial possessions. Black’s Law Dictionary 775 (5<sup>th</sup> Ed. 1979); entry for “jus soli.”

<sup>46</sup> For additional information, see CRS Report RL33079, *Birthright Citizenship Under the 14<sup>th</sup> Amendment of Persons Born in the United States to Alien Parents*, by Margaret Mikyung Lee.

<sup>47</sup> INA §320(a), 8 U.S.C. §1431(a). These provisions apply only for children born on or after February 27, 2001 per the Child Citizenship Act of 2000 (P.L. 106-395). For children born earlier, the law in effect at the time the fourth condition was met before reaching age 18 is the relevant law to determine whether they acquired citizenship.

*A child born outside the United States who resides outside of the United States* does not automatically acquire U.S. citizenship. That child may become a U.S. citizen if a U.S. citizen parent applies for it on their behalf. The following conditions must be met: (1) at least one parent, including an adoptive parent, is a U.S. citizen by birth or naturalization; (2) the U.S. citizen parent must have resided at least five years in the United States, of which at least two years were after his or her 14<sup>th</sup> birthday;<sup>48</sup> (3) the child is under 18 years of age; (4) the child is residing outside of the United States in the legal and physical custody of the citizen parent; (5) the child has been lawfully admitted temporarily to the United States and remains in lawful status.<sup>49</sup>

## Military Naturalizations<sup>50</sup>

The INA contains several provisions facilitating the application and naturalization process for foreign-born military personnel of most branches of the U.S. armed forces and recently discharged members.<sup>51 52</sup> Requirements and qualifications (see “**Naturalization Requirements**”) are similar, but military personnel are exempt from residence and physical presence requirements.<sup>53</sup> The INA distinguishes between peacetime and wartime service.<sup>54</sup> For current or past *peacetime* military service, naturalization applicants are not required to meet the naturalization residency requirements if they apply while still in the service or within six months of discharge.<sup>55</sup> Service must be for periods aggregating at least one year, and separation must not occur under anything except honorable conditions. Applicants must also be lawful permanent residents.

For current or past *wartime* military service, naturalization applicants are also not required to meet the naturalization residency requirements, but there are no conditions regarding the timing of the applicability of this exemption.<sup>56</sup> Service of any length of time during a period of military hostilities, even one day, qualifies the applicant for naturalization. Separation must not occur under anything except honorable conditions. Wartime applicants need not be lawful permanent residents, as long as they are present in the United States<sup>57</sup> at the time of their enlistment or

<sup>48</sup> INA §322, 8 U.S.C. §1433. The U.S. citizen parent may meet the physical presence requirements by having a U.S. citizen parent themselves (a grandparent of the child) who meets such requirements.

<sup>49</sup> INA §322(c), 8 U.S.C. §1433(c).

<sup>50</sup> Portions of this section were taken from CRS Report RL31884, *Expedited Citizenship Through Military Service: Current Law, Policy, and Issues*, by Margaret Mikyung Lee and Ruth Ellen Wasem (hereinafter, “CRS Report RL31884, Expedited Citizenship”).

<sup>51</sup> Qualifying branches include Army, Navy, Air Force, Marine Corps, Coast Guard, and certain National Guard organizations that are recognized as reserve components of the U.S. armed forces. 8 C.F.R. §328.1. According to §504 of 10 U.S.C. only citizens and noncitizen nationals of the United States; lawful permanent resident aliens; and certain nationals of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau who are admissible as nonimmigrants under the Compacts of Free Association with those nations, are eligible to enlist in the Armed Forces. See 10 U.S.C. 504(b)(1). Section 504(b)(2), however, also authorizes the Secretary of any Armed Force to enlist other aliens “if the Secretary determines that such enlistment is vital to the national interest.” *Id.* Section 504(b)(2). For more information, see CRS Report RL31884, *Expedited Citizenship*.

<sup>52</sup> Qualifying branches include Army, Navy, Air Force, Marine Corps, Coast Guard, and certain National Guard organizations that are recognized as reserve components of the U.S. armed forces. 8 C.F.R. §328.1.

<sup>53</sup> INA §§328, 329, 8 U.S.C. §§1439, 1440.

<sup>54</sup> Wartime service refers to a period in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force. INA §329(a), 8 U.S.C. §1440(a).

<sup>55</sup> INA §§328, 8 U.S.C. §1439.

<sup>56</sup> INA §§329, 8 U.S.C. §1440.

<sup>57</sup> In this case, the United States includes the Canal Zone, American Samoa, and Swains Island.

reenlistment.<sup>58</sup> Since 2002, noncitizens serving honorably in the U.S. armed forces on or after September 11, 2001 may file immediately for citizenship.<sup>59</sup>

Military naturalization applicants are exempt from USCIS naturalization fees.<sup>60</sup> Spouses of U.S. armed forces personnel stationed overseas who apply for naturalization may have their time abroad counted as residence and physical presence in the United States and may complete the naturalization process abroad.<sup>61</sup> Similar provisions apply to children of U.S. armed forces personnel.<sup>62</sup>

Since August 2009, the *Naturalization at Basic Training Program* has offered enlistees the option to naturalize upon graduation from basic training.<sup>63</sup> Citizenship obtained through military service may be revoked if the individual obtaining it separates from the military under “other than honorable conditions” before completing five years of honorable service. In FY2012, USCIS naturalized 8,693 military service members. Between FY2002-FY2012, USCIS naturalized 83,532 members, mostly in the United States.<sup>64</sup>

## Same-Sex Marriage

Following the June 2013 Supreme Court decision holding that Section 3 of the Defense of Marriage Act (DOMA) was unconstitutional, President Obama directed federal departments to implement the decision for federal benefits for same-sex legally married couples. USCIS was directed to review immigration visa petitions filed on behalf of same-sex spouses in the same manner as those filed on behalf of opposite-sex spouses.<sup>65</sup> For purposes of naturalization, time spent in marital union with a same-sex spouse is now being treated exactly the same as opposite-sex marriages for fulfilling the required residence period.<sup>66</sup>

## Naturalization Oath of Allegiance

An alien seeking to become a naturalized citizen must take the Naturalization Oath of Allegiance to the United States of America before citizenship can be granted:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United

<sup>58</sup> INA §§329(a), 8 U.S.C. §1440(a). If such naturalization applicants are lawful permanent residents, they are not required to be present in the United States at the time subsequent to their enlistment.

<sup>59</sup> INA §329. Former President George W. Bush officially designated the period beginning on September 11, 2001, as a “period of hostilities,” which triggered immediate naturalization eligibility for active-duty U.S. military service members. This executive order signed on July 3, 2002 also covers veterans of selected past wars and conflicts.

<sup>60</sup> INA §§328(b)(4), 8 U.S.C. §1439(b)(4) and 8 U.S.C. §1440e.

<sup>61</sup> INA §§319(e), 8 U.S.C. §1430(e).

<sup>62</sup> INA §§322(e), 8 U.S.C. §1430(e).

<sup>63</sup> Department of Homeland Security, U.S. Citizenship and Immigration Services, *Annual Report 2012, Citizenship and Immigration Services Ombudsman*, June 25, 2012, p. 23.

<sup>64</sup> U.S. Citizenship and Immigration Services, *Naturalization Through Military Service: Fact Sheet*, June 25, 2013.

<sup>65</sup> USCIS, *Same-Sex Marriages: Statement from Secretary of Homeland Security Janet Napolitano on July 1, 2013, Frequently Asked Questions*, website updated on August 2, 2013.

<sup>66</sup> See CRS Legal Sidebar, Updated: Treatment of Same-Sex Spouses under Federal Immigration Law, by Kate M. Manuel and Michael John Garcia, posted July 10, 2013.



States when required by law; that I will perform noncombatant service in the Armed Forces of the United States when required by law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.<sup>67</sup>

In addition, naturalization applicants must renounce any hereditary titles or orders of nobility in a foreign state.<sup>68</sup> The oath of allegiance may be modified for conscientious objectors to military service or for individuals preferring to affirm (instead of swear to) the substance of the oath.<sup>69</sup>

Applicants for naturalization may choose to have the oath administered either by USCIS (Department of Homeland Security) or an immigration judge (Department of Justice).<sup>70</sup> They must appear in person in a public ceremony which must be held as frequently as necessary to ensure timely naturalization.<sup>71</sup> Anyone absent for more than one scheduled oath ceremony without good cause will be presumed to have abandoned his or her intent to be naturalized.<sup>72</sup>

## Dual Citizenship<sup>73</sup>

Dual citizenship refers to an individual's possession of citizenship for two countries at the same time. Each country has its own citizenship laws that define the nationality status of its own citizens.<sup>74</sup> Because such laws generally do not coincide, persons may have dual nationality by automatic operation of different laws rather than by choice. For example, a child born in a foreign country to U.S. citizen parents may be both a U.S. citizen and a citizen of the country of birth. Likewise, a child born in the United States to foreign-born parents not only acquires U.S. citizenship at birth but may also acquire the citizenship of his or her parents. U.S. citizens who marry alien nationals may acquire the citizenship of their spouses' countries.<sup>75</sup> Most countries disfavor dual citizenship because of questions raised over the national's loyalties and the singularity of commitment that characterizes citizenship and allegiance.<sup>76</sup> Within the past two decades, and for a variety of reasons, a number of countries such as Mexico, Columbia, and Brazil have facilitated dual citizenship by passing laws permitting their expatriates the right to naturalize in other countries without losing citizenship from their countries of origin.<sup>77</sup>

<sup>67</sup> C.F.R. §337.1. Language of the oath is closely based upon the statutory elements in INA §337(a). For more information on the naturalization ceremony see Department of Homeland Security, Office of Citizenship and Immigration Ombudsman, *CIS Ombudsman Study and Recommendations on Naturalization Oath Ceremonies*, December 16, 2008.

<sup>68</sup> 8 C.F.R. §337.1(d).

<sup>69</sup> INA §337, 8 U.S.C. §1448. See also 8 C.F.R. §337.1.

<sup>70</sup> C.F.R. §337.2. INA §310 confers upon the Attorney General and USCIS the authority to naturalize persons as citizens of the United States unless applicants are subject to the exclusive oath administration authority of an eligible court per INA §310(b), 8 U.S.C. §1421(b).

<sup>71</sup> Ibid. Applicants may be granted an expedited oath under certain circumstances. C.F.R. §337.3.

<sup>72</sup> C.F.R. §337.7.

<sup>73</sup> Portions of this and the **Loss of Citizenship** sections were written by Margaret Mikung Lee, legislative attorney, American Law Division, Congressional Research Service.

<sup>74</sup> The U.S. Department of State advises individuals to contact a foreign country's embassy and consulates in the United States for the most current information on that nation's dual citizenship policies. For more information, see archived CRS Report 98-819, *Dual Citizenship*, by Margaret Mikyung Lee.

<sup>75</sup> Matter of Damioli, 17 I. & N. Dec. 303 (Comm'r 1980).

<sup>76</sup> Peter J. Spiro, "Dual Nationality and the Meaning of Citizenship," *Immigration and Nationality Law Review*, vol. 18, no. 4 (Fall 1997), pp. 491-566.

<sup>77</sup> Empirical research suggests that such legal changes in other countries have contributed to increasing levels of

The United States has no authority to prohibit another country from continuing to treat an individual as its citizen. However, the United States considers that person, upon naturalization, to have renounced other citizenships and to be only a U.S. citizen. Because some individuals continue to exercise rights in other countries, some have expressed concerns that those countries may not know that these individuals have renounced such citizenship upon naturalizing in the United States. Such concerns about divided national loyalties have motivated legislative proposals to alert foreign countries about the naturalization of their former citizens.<sup>78</sup>

## Loss of Citizenship

U.S. citizens may lose their citizenship in two ways: voluntarily, through expatriation, or involuntarily, through denaturalization.

### Expatriation

All U.S. citizens may lose citizenship through expatriating acts, including

- voluntary naturalization in a foreign country after age 18;
- making a formal declaration of allegiance to a foreign country after age 18;
- serving in the armed forces of a foreign country engaged in hostilities against the United States;
- serving in the armed forces of a foreign country as an officer;
- holding an office under the government of a foreign country if foreign nationality is acquired or if a declaration of allegiance is required;
- renunciation of citizenship before a U.S. diplomatic or consular officer abroad;
- formal written renunciation of citizenship during a state of war if the Attorney General approves the renunciation as not contrary to the national defense; and
- conviction of treason, seditious conspiracy, or advocating violent overthrow of the government.<sup>79</sup>

The Supreme Court has held that expatriating acts alone are not sufficient for expatriation unless undertaken with intent to relinquish U.S. citizenship.<sup>80</sup> This restriction also has been enacted in statute.<sup>81</sup> The requisite intent to relinquish need not be express but may be inferred from the circumstances.<sup>82</sup>

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naturalization by reducing the penalty for naturalizing in the United States. See Francesca Mazzolari, “Dual Citizenship Rights: Do they Make More and Richer Citizens?,” *Demography*, vol. 46, no. 1 (February 2009), pp. 169-191.

<sup>78</sup> For example, in the 109<sup>th</sup> Congress, H.R. 4437 and S. 2611 contained provisions that would have required DHS, in cooperation with DOS, to inform the country in which the new U.S. citizen has a pre-existing nationality that the citizen has renounced allegiance to that foreign country and has sworn allegiance to the United States. Bills containing similar provisions and/or others intended to restrict dual nationality in the 109<sup>th</sup> Congress included S. 1087, S. 1815/H.R. 4168, H.R. 688, H.R. 2513, and H.R. 3938. No bills have been introduced since then with such provisions.

<sup>79</sup> INA §349, 8 U.S.C. §1481.

<sup>80</sup> *Vance v. Terrazas*, 444 U.S. 252 (1980).

<sup>81</sup> INA, §349(a), 8 U.S.C. §1481(a).

<sup>82</sup> For example, *Richards v. Sec’y of State*, 752 F.2d 1431 (9<sup>th</sup> Cir. 1985); *Terrazas v. Haig*, 653 F.2d 285 (7<sup>th</sup> Cir. 1981).

Unlike citizenship revocation (see “**Revocation**” below), expatriation or loss of nationality does not have a retrospective effect. Hence, loss of citizenship through expatriation does not affect that of “derivative” citizens—spouses and children—who acquired their citizenship by virtue of their relationship with a “principal” citizen.<sup>83</sup>

## Revocation

A naturalized citizen may be “denaturalized” (i.e., have his or her citizenship revoked) on the basis that the citizenship was procured illegally, by concealment of material fact, or by willful misrepresentation.<sup>84</sup> Various acts occurring after naturalization are considered evidence of misrepresentation or suppression at the time of naturalization. For example, if a naturalized citizen joins a subversive organization within five years of becoming a citizen, and membership in that group would have precluded eligibility for naturalization under the INA, then the joining of the organization is held to be prima facie evidence raising a rebuttable presumption<sup>85</sup> that naturalization was obtained by concealing or misrepresenting how attached to the United States the citizen was when naturalized.<sup>86</sup> Citizenship may also be revoked because of less than honorable discharge from the U.S. armed services.<sup>87</sup>

Citizenship revocation must be initiated by a U.S. district attorney and must occur in the district where the naturalized citizen resides.<sup>88</sup> If a naturalized citizen is convicted of knowingly procuring naturalization in violation of law, the court in which that conviction is obtained has jurisdiction to revoke that person’s citizenship.<sup>89</sup> In both cases, the court in which the revocation occurs must cancel the certificate of naturalization and notify the Attorney General of that action. The holder of the certificate of naturalization must return it to the Attorney General.<sup>90</sup>

The effect of denaturalization is to divest a person of their status as a U.S. citizen and to return them to their former status of alienage. Once final, the denaturalization is effective as of the original date of the certificate of naturalization.<sup>91</sup>

Derivative citizens also lose their citizenship under these circumstances. If citizenship is revoked based on “procurement by concealment of a material fact or by willful misrepresentation,” derivative citizens also lose their citizenship *regardless of where they are living*.<sup>92</sup> If citizenship is

<sup>83</sup> Perkins v. Elg, 307 U.S. 325, 59 S. Ct. 884, 83 L. Ed. 1320 (1939).

<sup>84</sup> INA, §340(a), 8 U.S.C. §1451(a).

<sup>85</sup> A rebuttable presumption is an assumption made by a court that is taken to be true unless someone comes forward to contest it and prove otherwise.

<sup>86</sup> INA, §340(c), 8 U.S.C. §1451(c).

<sup>87</sup> INA, §329(c), 8 U.S.C. §1440(c).

<sup>88</sup> INA §340(a), 8 U.S.C. §1451(a). If the naturalized citizen does not reside in any judicial district in the United States at the time of the suit, proceedings may be instituted in the U.S. District Court for the District of Columbia or in the U.S. district court in which such person last had his or her residence. The naturalized citizen against whom such action is taken has 60 days in which to respond to the action.

<sup>89</sup> INA §340(e), 8 U.S.C. §1451(e).

<sup>90</sup> INA §340(f), 8 U.S.C. §1451(f).

<sup>91</sup> Ibid.

<sup>92</sup> INA §340(d), 8 U.S.C. §1451(d).



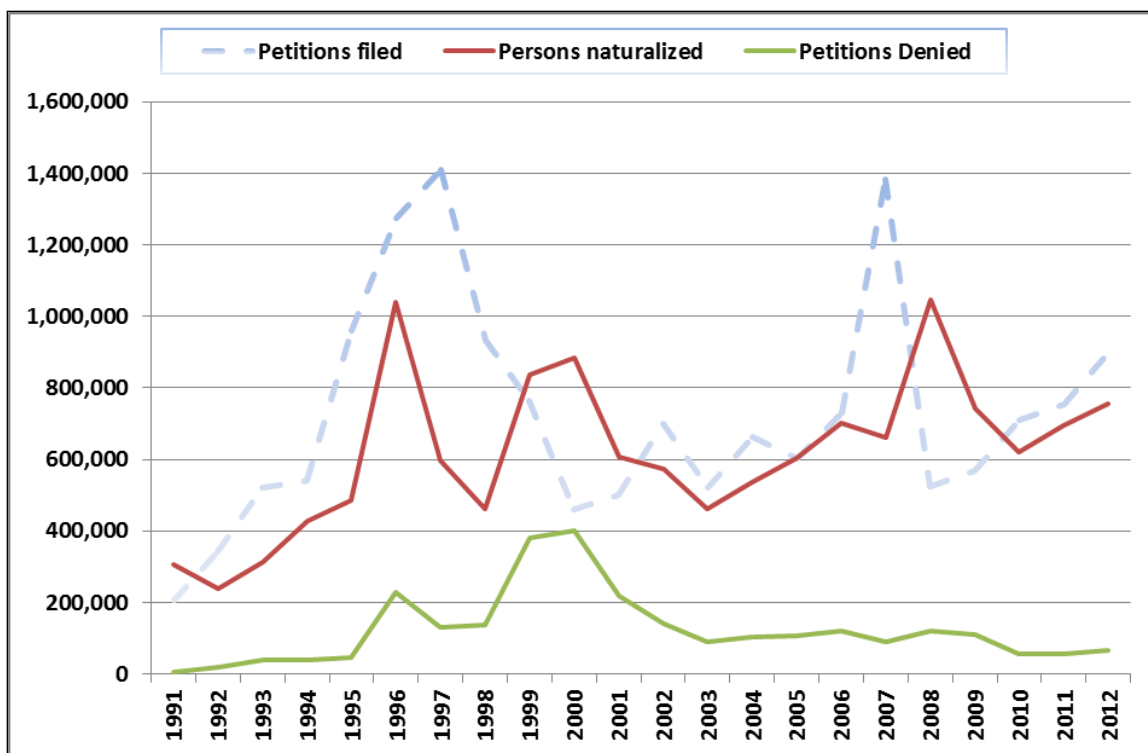
revoked because of membership in a subversive organization<sup>93</sup> or less than honorable discharge from the Armed Forces,<sup>94</sup> derivative citizens lose their citizenship *only if they are living abroad*.<sup>95</sup>

## Recent Naturalization Trends

### Naturalization Petitions

The number of persons petitioning to naturalize has increased over the past two decades, from just over 200,000 in FY1991 to just under 900,000 in FY2012 (Figure 1 and Appendix A).

**Figure 1. Naturalization Petitions Filed and Denied, and Persons Naturalized, FY1991-2012**



**Source:** DHS Office of Immigration Statistics, Yearbook of Immigration Statistics: 2012, Table 20.

Naturalization petition volume peaked in FY1997 and FY2007. These increases have been attributed to legislation and demographic factors. Legislatively, the Immigration Reform and Control Act of 1986 (IRCA) legalized about 2.8 million LPRs between 1986 and 1989 who then became eligible to naturalize in the mid-1990s. Four years later, the Immigration Act of 1990 increased the limits on legal immigration to the United States, among other provisions, which also resulted in increased numbers of persons petitioning for naturalization by the mid-1990s.<sup>96</sup> USCIS

<sup>93</sup> INA §340(c), 8 U.S.C. §1451(c).

<sup>94</sup> INA §329(c), 8 U.S.C. §1440(c).

<sup>95</sup> INA §340(d), 8 U.S.C. §1451(d).

<sup>96</sup> Some have speculated that part of the 1997 increase in naturalization petition volume stemmed from greater eligibility restrictions for welfare and other federal assistance enacted through the Personal Responsibility and Work

has also attributed the 2007 surge in naturalization petition volume to several factors including a “green card” replacement program,<sup>97</sup> a broad-based increase in USCIS fees that took effect in July 2007, and grassroots campaigns to increase naturalizations prior to the 2008 elections.<sup>98</sup>

Demographically, the number of legal permanent residents admitted to the United States or adjusting status<sup>99</sup> averaged roughly 418,000 each year between 1966-1980; 654,000 between 1981-1995; and 957,000 between 1996-2010, substantially enlarging the pool of people eligible to naturalize.<sup>100</sup> With such increases, processing lags occurred. USCIS expended efforts to reduce the backlog during the mid-2000s which eliminated the processing backlog for N-400 naturalization petitions by 2006.<sup>101</sup>

Although the number of petitions denied has always been considerably less than the number of naturalizations, the trends for naturalizations and naturalization petition denials exhibited a similar pattern until 2003. Since then, the number of petitions denied has declined from roughly 103,000 in 2004 to 66,000 in 2012. During the same period, the number of naturalizations increased from 537,000 to 757,000 (**Appendix A**).<sup>102</sup>

## Naturalization Trends and Determinants

Despite increasing numbers of naturalization petitions filed in recent years, the number of naturalizations has not kept pace with the overall growth of the foreign-born population. The naturalized percentage of the foreign born peaked in 1950 (74.5 %), reflecting high naturalization rates among refugees after World War II.<sup>103</sup> After 1950, it declined, reaching its lowest point of

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Opportunity Reconciliation Act of 1996 (PRWORA). Other research suggests that the social context of state-level immigrant receptivity plays a more important role in the decision to naturalize than state-level welfare benefit levels. See Jennifer Van Hook, Susan K. Brown, and Frank D. Bean, “For Love or Money? Welfare Reform and Immigrant Naturalization,” *Social Forces*, Vol. 85, No. 2, (December 2006), pp. 643-666. The Government Accountability Office (formerly the U.S. General Accounting Office) (GAO) attempted to address this question, but encountered methodological difficulties. See General Accounting Office, *Welfare Reform: Public Assistance Benefits Provided to Recently Naturalized Citizens*, GAO IHEHS-99-102, June 1999.

<sup>97</sup>In the early 1990s, the Immigration and Naturalization Service (INS), predecessor agency to several DHS agencies, instituted a “green card” replacement program to curb the increasing prevalence of document fraud. At that time, the INS estimated that 1.5 million LPRs in the United States would have to replace their existing green cards (1-151 cards), which would all expire in 1996, with new biometric LPR cards. Because the cost of replacing a green card was nearly the same as that to naturalize, many LPRs reportedly chose to naturalize instead.

<sup>98</sup> Department of Homeland Security, *USCIS Ombudsman’s Annual Report 2009*, p. 3.

<sup>99</sup> Immigrants can either be formally admitted to the United States for LPR status if they live abroad or they can adjust status from a temporary nonimmigrant status to LPR status.

<sup>100</sup> *2012 Yearbook of Immigration Statistics*, Department of Homeland Security, Office of Immigration Statistics, Tables 6 and 7.

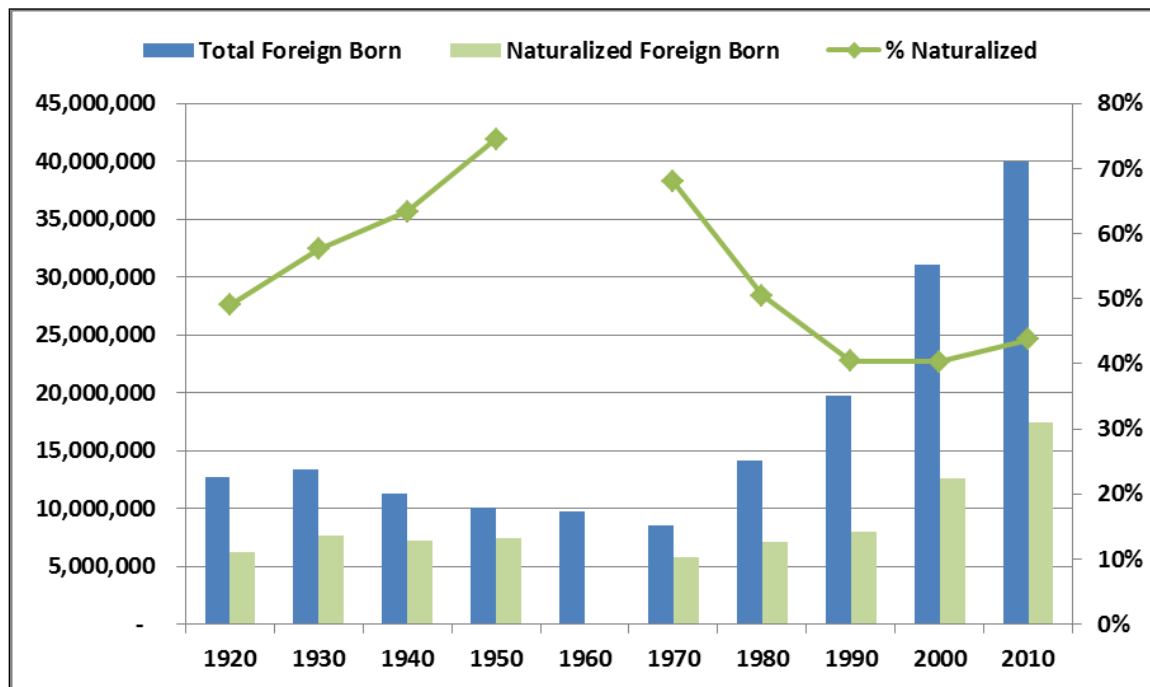
<sup>101</sup> USCIS defines “backlog” as the number of pending applications that exceed acceptable or target pending levels for each application type. U.S. Citizenship and Immigration Services, *Backlog Elimination Plan, Fiscal Year 2006 3<sup>rd</sup> Quarter Update*, December 11, 2006. For more on USCIS processing, see archived CRS Report RL34040, *U.S. Citizenship and Immigration Services’ Immigration Fees and Adjudication Costs: Proposed Adjustments and Historical Context*, by William A. Kandel (hereinafter, “CRS Report RL34040, Immigration Fees”).

<sup>102</sup> The increase in the number of denied petitions during the 1990s resulted in part from the growing petition volume following the IRCA legalization program in 1986. See U.S. Congress, House Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, *Naturalization Delays: Causes, Consequences, and Solutions*, Prepared Statement of the Honorable Zoe Lofgren, 110<sup>th</sup> Cong., 1<sup>st</sup> sess., January 17, 2008, H. Hrg 110-64 (Washington: GPO, 2008). Primary reasons for petition denials include disqualification for not meeting the age and residency requirements; lacking English language proficiency; and not being able to meet the good moral character standard. Briefing with USCIS supervisory personnel, August 20, 2013.

<sup>103</sup> Guillermina Jasso and Mark R. Rosenzweig, *The New Chosen People: Immigrants in the United States* (New York:

40.3% in 2000 before increasing to 43.7% in 2010. In 2010, the percentage of foreign born who were naturalized was near its lowest level since the Census Bureau began asking census respondents about their citizenship in 1920 (Figure 2).<sup>104</sup>

**Figure 2. Naturalized Foreign Born as a Percent of the Total Foreign Born**



**Source:** Foreign-born population data from 1920-1970 from Historical Statistics of the United States; 1980-2000 from decennial census figures; and 2010 from the American Community Survey. Naturalization data for 1920-1990 from archived CRS Report 95-298, *Naturalization of Immigrants: Policy, Trends, and Issues*, by Ruth Ellen Wasem; naturalization data for 2000-2010 from Census Factfinder Online.

**Note:** The 1960 Decennial Census did not ask respondents about their citizenship status. See Guillermina Jasso and Mark R. Rosenzweig, *The New Chosen People* (New York: Russell Sage Foundation, 1990), p. 105.

In 2012, an estimated 40.8 million foreign-born persons resided in the United States, roughly 13.0% of the total U.S. population. Of these, 18.7 million self-reported their legal status as naturalized citizens.<sup>105</sup> The remaining 22.1 million noncitizens included an estimated 8.8 million who were eligible to naturalize but had not done so.<sup>106</sup> Foreign born who are eligible to naturalize may not do so for a variety of reasons.<sup>107</sup> Other foreign born are not eligible to naturalize, either because they are LPRs with insufficient years of U.S. residency, or because they are nonimmigrants<sup>108</sup> or unauthorized aliens, neither of whom are permitted to naturalize. Despite

Russell Sage Foundation, 1990), p. 102.

<sup>104</sup> In 1920, the Census Bureau began asking all foreign-born persons whether they had naturalized, and almost half (49%) reported that they had. Prior decennial censuses in 1900 and 1910 asked only adult men their citizenship status.

<sup>105</sup> U.S. Census Bureau, American Community Survey, 2010 1-year estimates, <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

<sup>106</sup> Nancy Rytina, *Estimates of the Legal Permanent Resident Population in 2012* (Washington, DC: Department of Homeland Security, July 2013).

<sup>107</sup> See Gonzalez-Barrera et al 2013 and Bloemraad, 2006, pp. 40-42.

<sup>108</sup> Nonimmigrants refer to foreign nationals admitted for a designated period of time and a specific purpose. They

relatively low naturalized proportions among all *foreign born* (**Figure 2**) the naturalized proportion of LPRs has increased in recent decades, from 38% in 1990 to 56% by 2011.<sup>109</sup>

**Table 1. Self-Reported Naturalized Proportion of Foreign-Born Populations, 2011**

(Foreign born from the 25 largest ethnic populations, listed in order of U.S. population size)

Country of Origin	Population in the U.S.	Naturalized Proportion
<b>Mexico</b>	<b>11,750,000</b>	<b>23%</b>
India	1,796,467	46%
Philippines	1,766,501	65%
China	1,604,373	51%
Vietnam	1,243,785	75%
<b>El Salvador</b>	<b>1,207,128</b>	<b>28%</b>
Cuba	1,112,064	55%
Korea	1,086,945	57%
Dominican Republic	879,884	47%
<b>Guatemala</b>	<b>797,262</b>	<b>24%</b>
Canada	785,595	45%
Jamaica	650,761	61%
Colombia	648,348	48%
Germany	611,813	62%
Haiti	596,440	50%
<b>Honduras</b>	<b>518,438</b>	<b>22%</b>
Poland	470,030	60%
Ecuador	454,921	39%
Peru	430,665	44%
Russia	386,539	69%
Italy	366,459	73%
Taiwan	363,468	72%
Iran	358,746	74%
England	356,489	54%
<b>Brazil</b>	<b>344,714</b>	<b>28%</b>
All Other Countries	9,623,114	54%
All Countries	40,379,942	45%

include a wide range of visitors, including tourists, foreign students, diplomats, and temporary workers. See CRS Report RL31381, *U.S. Immigration Policy on Temporary Admissions*, by Ruth Ellen Wasem.

<sup>109</sup> Michael Fix, Jeffrey S. Passel, and Kenneth Sucher, *Trends in Naturalization*, Urban Institute, Immigrant Families and Workers, Facts and Perspectives, Brief No. 3, Washington, DC, September 2003; Jeffrey S. Passel, *Growing Share of Immigrants Choosing Naturalization*, Pew Hispanic Center, Washington, DC, March 28, 2007; and Ana Gonzalez-Barrera, Mark Hugo Lopez, and Gonzalez-Barrera et al 2013.

**Source:** 2011 American Community Survey (ACS) Public Use Micro Sample (PUMS), U.S. Census Bureau.

**Note:** Bolded figures are below 30%. The average for all foreign born is 45%. Italicized figures exceed 60%.

Many factors affect who naturalizes as well as how many naturalization petitions are filed each year.<sup>110</sup> Country of origin significantly affects who naturalizes (**Table 1**).<sup>111</sup> Foreign born from Mexico and several other Latin American countries have among the lowest naturalized percentages. These low proportions have several explanations, including geographic proximity, which can increase the likelihood that individuals maintain strong ties to their countries of origin; large numbers of recent legal immigrants, which reduces the proportion of all foreign born with at least five years of U.S. residence; and sizable numbers of unauthorized aliens who are ineligible to naturalize.<sup>112</sup>

In contrast, foreign born from countries such as Vietnam, Iran, and Taiwan all have rates exceeding 70%. Countries whose immigrants show relatively high naturalization proportions are often characterized by large geographic distance from the United States, less democratic or more oppressive political systems, and/or geopolitical factors and calamities that initiate flows of refugees and asylees.<sup>113</sup>

In addition, immigrants from countries with low proportions of naturalized citizens spend more years as LPRs before they naturalize. For example, in 2012, African and Asian immigrants, whose naturalized proportions are relatively high, spent a median of five and six years as LPRs, respectively, prior to naturalizing. By contrast, immigrants from North America (including Canada, Mexico, and Central America) spent a median of 10 years as LPRs prior to naturalizing.<sup>114</sup>

Apart from country-level characteristics, individual characteristics also influence the propensity to naturalize. Younger immigrants, who generally possess weaker attachments to their countries of origin and more years to benefit from citizenship, are more likely to naturalize than older immigrants. Immigrants from Asian, European, and English-speaking countries are more likely to naturalize than immigrants from elsewhere. Immigrants in professional, managerial, and other occupations correlated with higher education levels appear more likely to naturalize than less educated immigrants.<sup>115</sup>

<sup>110</sup> Some have modeled these relationships using complex methodologies that account for individual level characteristics as well as macroeconomic and other broad conditions. See for example Michael Fix, Jeffrey S. Passel, and Kenneth Sucher, *Trends in Naturalization*, Urban Institute, Immigrant Families and Workers, Facts and Perspectives, Brief No. 3, Washington, DC, September 2003; and Woodrow-Lafield et al 2004. Findings from studies on naturalization determinants may be limited by specific population cohorts or time periods analyzed. See Woodrow-Lafield et al., pp. 210-211 for several examples.

<sup>111</sup> See Nancy Rytina, 2008, *The Timing of Naturalization in the United States through 1996: The Experience of the Legal Immigrant Cohorts of 1977 and 1982*, DHS Office of Immigration Statistics, Working Paper, Washington, DC, August 2008; archived CRS Report 95-298 EPW, Naturalization of Immigrants: Policy, Trends, and Issues, by Ruth Ellen Wasem; Guillermina Jasso and Mark R. Rosenzweig, *The New Chosen People* (New York: Russell Sage Foundation, 1990), pp. 98-121 (hereinafter “Jasso and Rosenzweig 1990”).

<sup>112</sup> See Gonzalez-Barrera et al 2013; and Karen A. Woodrow-Lafield, Xiaohe Xu, Thomas Kersen and Bunnak Poch, “Naturalization of U.S. Immigrants: Highlights from Ten Countries,” *Population Research and Policy Review*, Vol. 23, No. 3 (June, 2004), pp. 187-218 (hereinafter “Woodrow-Lafield et al 2004”).

<sup>113</sup> Ibid.

<sup>114</sup> James Lee, *U.S. Naturalizations: 2012*, Department of Homeland Security, Office of Immigration Statistics, Annual Flow Report, Washington, DC, March 2013.

<sup>115</sup> Ibid and James Lee, *Characteristics of Persons Naturalizing in the United States Between 1980 and 2008*, Department of Homeland Security, Office of Immigration Statistics, Fact Sheet, Washington, DC, September 2010. Gender and marital status appear to have little impact on naturalization probabilities. Earlier research also suggests that

## Issues for Congress

### Backlogs, Resources, and USCIS Capacity

In recent years, N-400 naturalization petitions have accounted for almost 15% of all petitions received and processed by USCIS, making it the second most popular immigration petition handled by the agency (after I-765 Employment Authorization petitions).<sup>116</sup>

Concerns regarding USCIS' total petition processing capability sometimes receive attention when events transpire to cause large numbers of foreign nationals to petition for immigration benefits. If Congress does pass major reforms to U.S. immigration laws, such changes could substantially alter the number of legal immigrants admitted each year as well as the legal status of sizeable numbers of foreign-born who reside in the United States. Changes to both of these populations, in turn, could increase considerably the number of USCIS N-400 naturalization petitions filed.<sup>117</sup>

USCIS has made substantial efforts in recent years to modernize its business processes.<sup>118</sup> Currently, the agency reports that N-400 naturalization petition processing times average 4.5 months, well within its goal of no more than six months.<sup>119</sup> Recent evidence of the agency's ability to process sudden large influxes of immigration petitions occurred with the Deferred Action for Childhood Arrivals (DACA)<sup>120</sup> initiative that was announced on June 15, 2012. Two months later, USCIS began accepting DACA petitions. As of August 31, 2013, one year later,

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immigrants with relatives living abroad are more likely to naturalize than those without because of the incentive to sponsor kin for legal status in the United States. See Jasso and Rosenzweig, 1990.

<sup>116</sup> USCIS processed 2.5 million petitions in the first half of FY2013, 6.0 million petitions in FY2012 and 5.1 million petitions in FY2010. See U.S. Citizenship and Immigration Services, *Service-wide Receipts and Approvals for All Form Types, Fiscal Year 2012: October 2011 - September 2012*, November 6, 2012, and *Service-wide Receipts and Approvals for All Form Types, Fiscal Year 2013: October 2012 - March 2013*, May 14, 2013; and Department of Homeland Security, "U.S. Citizenship and Immigration Services Fee Schedule; Proposed Rule," 75 Federal Register 33446-33488, June 11, 2010.

<sup>117</sup> Surges in petition volume often result from changes in U.S. immigration policy. In 2007, for example, USCIS experienced a surge in immigration benefits filings that posed challenges for various agency operations, including a "frontlog" in intake processing that created lags in data entry, delays in issuing receipts, and problems with storing files and depositing filing fees. In addition, the agency announced that processing times in many offices had increased, even as USCIS sought to realign existing staff and hire new adjudicators. However, within one year, processing times for many petitions were reduced considerably. See CRS Report RL34040, *Immigration Fees*.

<sup>118</sup> Commentary by the National Immigration Forum in National Foundation for American Policy, *Reforming the Naturalization Process*, NFAP Policy Brief, August 2011, and Department of Homeland Security, Office of Inspector General, *U.S. Citizenship and Immigration Services' Progress in Modernizing Information Technology*, OIG-09-90, Washington, DC, July 13, 2009. While USCIS continues to embark on a modernization program that will fully digitize all of its petitions, a considerable portion of petitions already received and under consideration consist of paper files. Aside from processing inefficiencies, such paper file processing has been the subject of investigation due to misplaced files. See U.S. Government Accountability Office, *Immigration Benefits: Additional Efforts Needed to Help Ensure Alien Files Are Located when Needed*, GAO-07-85, October 27, 2006.

<sup>119</sup> Department of Homeland Security, U.S. Citizenship and Immigration Services, *Annual Report 2013, Citizenship and Immigration Services Ombudsman*, June 27, 2013. See p. 44 for average N-400 processing times around the country.

<sup>120</sup> Deferred action is a discretionary determination to defer removal action (deportation) of an individual as an act of prosecutorial discretion. In June 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several key guidelines could request consideration of deferred action for a period of two years, subject to renewal, and would then be eligible for work authorization. For more information, see CRS Report RL33863, *Unauthorized Alien Students: Issues and "DREAM Act" Legislation*, by Andorra Bruno.

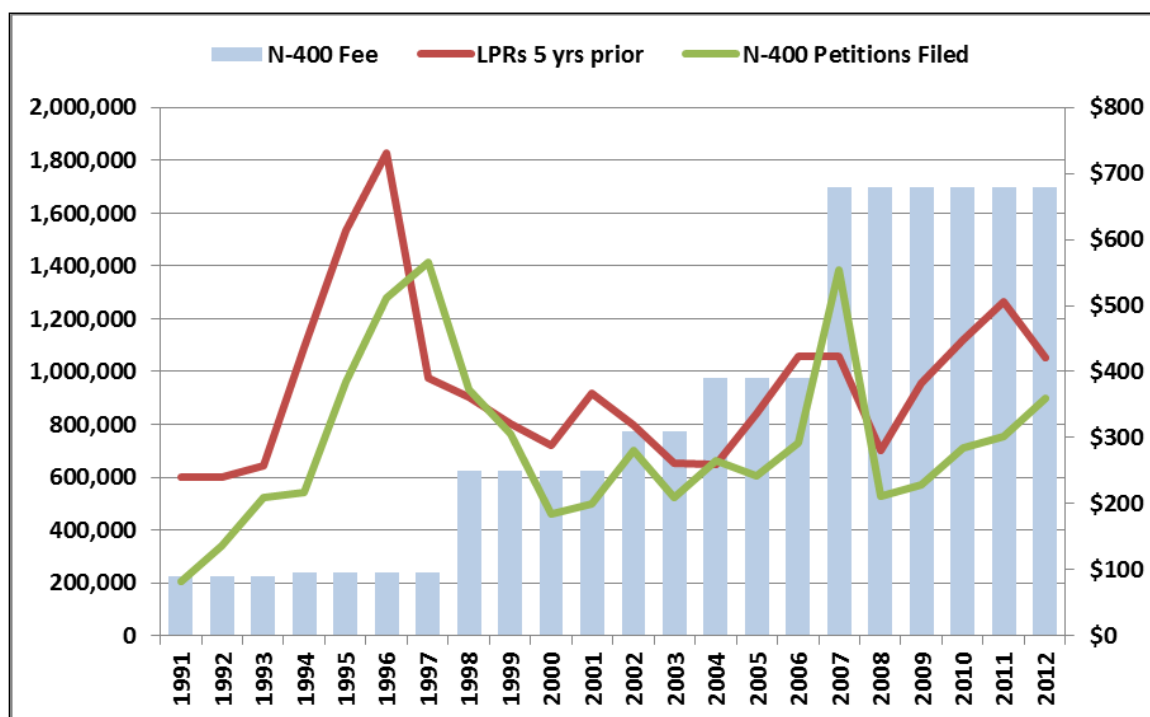


USCIS had received and processed 588,725 petitions.<sup>121</sup> At the same time, the number of pending USCIS petitions since August 2012 has steadily increased, which suggests that resources devoted to processing DACA petitions may have slowed processing for other USCIS petitions.<sup>122</sup>

## Naturalization Fees

USCIS currently charges naturalization applicants \$680 which includes a \$595 application fee and an \$85 fee for recording biometric information. The amount of the naturalization fee raises several issues for Congress, including whether it discourages persons from naturalizing due to the expense, and whether it accurately reflects USCIS's cost to process naturalization applications. Empirical studies suggest that the volume of naturalization petitions filed may be inversely related to the naturalization fee amount.<sup>123</sup>

**Figure 3. Petition Volume and Fees for N-400 Naturalization Forms**



**Source:** CRS analysis of USCIS data and Office of Immigration Statistics data.

**Notes:** Fee totals include fees for biometrics which began in FY1998.

<sup>121</sup> U.S. Citizenship and Immigration Services, Office of Performance and Quality (OPQ), *Update on Data regarding Deferred Action for Childhood Arrivals*, Washington, DC, August 31, 2013.

<sup>122</sup> U.S. Citizenship and Immigration Services, "National Processing Volumes and Trends" (interactive website), downloaded October 24, 2013, <http://dashboard.uscis.gov/index.cfm?formtype=1&office=1&charttype=1>.

<sup>123</sup> Ruth Ellen Wasem, "Naturalization Receipts and Fees: Analysis of Selected Trends," cited by Representative Zoe Lofgren, House Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, *Hearing on Naturalization Delays: Causes, Consequences and Solutions*, January 17, 2008; and Madeleine Sumption and Sarah Flamm, *The Economic Value of Citizenship for Immigrants in the United States*, Migration Policy Institute, Washington, DC, September 2012.

Graphing the volume of N-400 naturalization petitions filed each fiscal year against the amount of the naturalization fee in that year (**Figure 3**) suggests that fee increases in 1998, 2002, 2004, and 2007 were preceded by greater petition volume followed in the subsequent year by declining petition volume. Nevertheless, other factors described in “**Naturalization Petition**” above also explain application volume increases apart from fee increases.

Naturalization fee increases are usually subsumed within across-the-board USCIS fee increases for many types of petitions based upon audits of the costs of providing immigration services/benefits.<sup>124</sup> Proponents of fee increases maintain that immigration benefits such as naturalization should be self-financing and that the beneficiaries should bear the full cost of processing a naturalization petition. Yet some question whether fee increases discourage eligible LPRs from naturalizing.<sup>125</sup> Others contend that naturalization fees in the United States are substantially higher than comparable citizenship fees in other OECD countries.<sup>126</sup>

## Streamlining Military Naturalizations

Since the beginning of Operation Iraqi Freedom in March 2003, Congress has expressed interest in streamlining and expediting naturalizations for military personnel and in providing immigration benefits for their immediate relatives. The reported deaths in action of noncitizen soldiers drew attention to the immigration laws that grant posthumous citizenship<sup>127</sup> and to the advantages of further expediting naturalization for noncitizens serving in the U.S. military. Legislation has focused on further streamlining procedures or extending immigration benefits to immediate relatives of U.S. service members.<sup>128</sup> In the 113<sup>th</sup> Congress, a legislative proposal would make eligible for naturalization any person who serves or has served under honorable conditions as a member of the U.S. Armed Forces in support of contingency operations in the same way as if the person had served during a period of presidentially-designated military hostilities, among other related provisions.<sup>129</sup> A current legislative proposal would treat noncitizen

<sup>124</sup> In 2010, USCIS revised its fee structure for many immigrant petitions, but exempted the N-400 *Application for Naturalization* from any fee increase. The action was consistent with USCIS’s policies promoting citizenship and immigrant integration but it required that commensurate cost increases for processing naturalization petitions be allocated to other immigration services petitioners. USCIS estimated an average impact of \$8 per petition for the rest of its fee paying volume. Since October 1, 2004, USCIS has waived naturalization petition fees for military personnel. For further discussion, see CRS Report RL34040, *Immigration Fees*.

<sup>125</sup> National Foundation for American Policy, *Reforming the Naturalization Process*, NFAP Policy Brief, August 2011.

<sup>126</sup> Madeleine Sumption and Sarah Flamm, *The Economic Value of Citizenship for Immigrants in the United States*, Migration Policy Institute, Washington, DC, September 2012.

<sup>127</sup> INA §329A, 8 U.S.C. §1440-1.

<sup>128</sup> For example, P.L. 110-382, the Military Personnel Citizenship Processing Act, expedited certain military service-related applications by establishing a Federal Bureau of Investigation (FBI) liaison office in USCIS to monitor the completion of FBI background checks and by setting a deadline for processing such naturalization applications. P.L. 110-251, the Kendell Frederick Citizenship Assistance Act, streamlined background checks, particularly regarding biometric data. P.L. 110-181, the National Defense Authorization Act for Fiscal Year 2008, ensured reentry into the United States by LPR spouses and children accompanying a military service member abroad (whose presence abroad might otherwise be deemed as abandonment of LPR status) and also provided for overseas naturalization for such LPRs. For an evaluation of these efforts, see U.S. Government Accountability Office, *Military Naturalizations: USCIS Generally Met Mandated Processing Deadlines, but Processing Applicants Deployed Overseas Is a Challenge*, GAO-10-865, July 29, 2010. The 112<sup>th</sup> Congress enacted P.L. 112-58 which extends the time to qualify for non-conditional LPR status to account for military service. In addition, the enactment of P.L. 112-74 added a new statute, 10 U.S.C. §1790, providing for reimbursement to USCIS by the Department of Defense of fees for processing military-service-based naturalization applications (Div. A, §8070). Current law prohibits charging the applicants fees for such applications. See INA §329(b)(4).

<sup>129</sup> H.R. 932.



U.S. service members who have received combat awards as having satisfied certain naturalization requirements, including good moral character, English/civics knowledge, and honorable service/discharge.<sup>130</sup> In addition, the proposal would eliminate the INA provision that currently allows a U.S. citizen to renounce citizenship during a time of war if the Attorney General approves the renunciation as not contrary to the interest of national defense.

## English Proficiency Requirement

Some in Congress have expressed interest in facilitating language and civics instruction as a means to promote naturalization.<sup>131</sup> Several federal agencies currently support these objectives. Among these, the USCIS Office of Citizenship provides English and citizenship training directly and through public/private partnerships. It also funds citizenship preparation services through its Citizenship and Integration Grant Program.<sup>132</sup> The U.S. Department of Education offers grants to states to improve English skills among adults who are not enrolled in school.<sup>133</sup> Several bills have been introduced that would promote English literacy and civics education for immigrants preparing to naturalize.<sup>134</sup> A current legislative proposal contains provisions waiving the English and history and civics naturalization requirements for older and disabled individuals.<sup>135</sup>

Despite these and other federal adult education programs, as well as programs run by nonprofit organizations, demand for adult English language and civics education services remains high. Findings from the 2003 National Assessment of Adult Literacy and U.S. Census data on English language proficiency among the foreign born suggest that more immigrant adults could benefit from English literacy education.<sup>136</sup> USCIS has called for more innovative approaches to increase immigrants' access to quality English learning opportunities as well as adult educators' access to pertinent civics education training.<sup>137</sup> Some have advocated for a White House committee on immigrant integration or the establishment of a foundation affiliated with the USCIS that would accept private donations to support programs that help immigrants integrate. Others have also called for a public private partnership to facilitate a more stable stream of private funding for

<sup>130</sup> S. 744, §2555.

<sup>131</sup> For a recent example of proposed legislation, see H.R. 1258, the Strengthen and Unite Communities with Civics Education and English Development Act of 2013.

<sup>132</sup> Eligible grant applicants are public or non-profit organizations with recent experience providing citizenship instruction programs, preparation workshops, and naturalization processes for immigrants. Because this program is not directly related to USCIS's central mission of reviewing and processing immigration-related petitions, its funding comes from Congressional appropriations, which in FY2012 totaled \$5 million. For more information, see "Citizenship and Integration Grant Program" at <http://www.uscis.gov/portal/site/uscis/>.

<sup>133</sup> In FY2012, appropriations for such adult education under the Adult Education and Family Literacy Act (AEFLA) were \$606 million, of which \$595 million was distributed to the states via formula grants. Since FY2000, appropriations legislation has set aside a portion of the AEFLA state grant funding for integrated English literacy and civics education services (EL-Civics) to limited-English-proficient populations. In FY2012, this set-aside was \$74.85 million or 12.5% of state grants funding. For more information on adult education, see CRS Report R43036, *Adult Education and Family Literacy Act (AEFLA): A Primer*, by Benjamin Collins.

<sup>134</sup> For example, in the 112<sup>th</sup> Congress, H.R. 1617, Strengthen and Unite Communities with Civics Education and English Development Act of 2011.

<sup>135</sup> See CRS Report R43097, *Comprehensive Immigration Reform in the 113<sup>th</sup> Congress: Major Provisions in Senate-Passed S. 744*, by Ruth Ellen Wasem.

<sup>136</sup> U.S. Department of Homeland Security, Taskforce on New Americans, Building an Americanization Movement for the 21<sup>st</sup> Century: A Report to the President of the United States from the Task Force on New Americans, Washington DC, 2008, pp.24-25; and CRS Report R41592, *The U.S. Foreign-Born Population: Trends and Selected Characteristics*, by William A. Kandel.

<sup>137</sup> Ibid.

efforts to promote naturalization.<sup>138</sup> A current legislative proposal would address several of these recommendations.<sup>139</sup>

Those opposing such expenditures argue that English language proficiency as well as civics education is the responsibility of immigrants and not U.S. taxpayers. They contend that the acquisition of citizenship is a choice that is not imposed upon LPRs who enjoy many of the same benefits of living in the United States as citizens.<sup>140</sup>

## Naturalization Exam

Many LPRs eligible to naturalize, particularly persons age 65 and older, have not done so because of concerns over passing the English and civics naturalization examinations.<sup>141</sup> In 2008, USCIS revised the naturalization civics exam to make it more conceptual as well as consistent across its 86 district offices, and in 2012, the pass rate stood at 92%.<sup>142</sup> Nevertheless, USCIS application data show increasing numbers of persons submitting USCIS Form N-648 *Medical Certification for Disability Exceptions* petitions for exam waivers on the basis of medical conditions.<sup>143</sup> A current legislative proposal contains provisions that would expand current exemptions from the English and civics exam requirement based on age, physical/mental disability, and years of U.S. residency.<sup>144</sup>

## Oath of Allegiance

Legislative proposals regarding the naturalization oath of allegiance have centered on incorporating into the oath greater emphasis on allegiance to the United States and greater civic responsibility;<sup>145</sup> emphasizing more publicly visible and patriotically symbolic ceremonies;<sup>146</sup> and permitting members of Congress to administer the oath of allegiance at naturalization ceremonies.<sup>147</sup> Some have proposed that all naturalization ceremonies be conducted solely in English,<sup>148</sup> and that as a requirement for naturalization, a uniform language testing standard require all citizens to read and understand the English language text of the Declaration of Independence, the U.S. Constitution, and the laws of the United States.<sup>149</sup>

<sup>138</sup> National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, *Letter to President Barack Obama*, Los Angeles, CA, January 10, 2013.

<sup>139</sup> See CRS Report R43097, *Comprehensive Immigration Reform in the 113<sup>th</sup> Congress: Major Provisions in Senate-Passed S. 744*, by Ruth Ellen Wasem.

<sup>140</sup> See for example, S.Rept. 113-40, *Minority Views from Senators Grassley, Session, Lee, and Cruz*.

<sup>141</sup> Gonzalez-Barrera et al 2013, pp. 19-20.

<sup>142</sup> Briefing with USCIS supervisory personnel, August 20, 2013.

<sup>143</sup> *Ibid.* Such waivers are permitted in the INA based on physical or developmental disability or mental impairment. According to USCIS personnel, a substantial portion of these waiver petitions are based on fictitious claims and stem from concerns about failing the naturalization exam.

<sup>144</sup> S. 744, §2551. The Senior Citizenship Act of 2013 (H.R. 1543) introduced by Representative Nadler has similar provisions.

<sup>145</sup> For example, in the 110<sup>th</sup> Congress, S. 1393, Strengthening American Citizenship Act of 2007 would have amended the INA to set forth a new more concise oath of allegiance, and incorporated a knowledge and understanding of the oath of allegiance into the history and government citizenship test.

<sup>146</sup> For instance, see H.R. 2363, the Proud to Be an American Citizen Act, in the 111<sup>th</sup> Congress.

<sup>147</sup> H.R. 405, 113<sup>th</sup> Congress, H.R. 249, 112<sup>th</sup> Congress.

<sup>148</sup> H.R. 1164, National Language Act of 2011, 112<sup>th</sup> Congress.

<sup>149</sup> H.R. 997, English Language Unity Act of 2013, 113<sup>th</sup> Congress.

## Birthright Citizenship

Concerns about illegal immigration have led some legislators to reexamine the long-established tenet of U.S. citizenship that a person who is born in the United States and subject to its jurisdiction is a citizen of the United States regardless of parental legal status. This concept of birthright citizenship is codified in the Citizenship Clause of the Fourteenth Amendment of the U.S. Constitution and Section 301(a) of the INA. While a thorough discussion of birthright citizenship is beyond the scope of this report, recent Congresses have seen legislation introduced that would revise or reinterpret the Citizenship Clause and related citizenship statute.<sup>150</sup>

## Proposed Naturalization Administrative Reforms

Those favoring a more accessible naturalization process have criticized the existing process on several grounds, notably its current cost (see “**Naturalization Fees**”).<sup>151</sup> Some advocates, supporting their arguments with evidence about immigrants’ price sensitivity to the cost of naturalization,<sup>152</sup> have proposed reforms centering on making information about fee waivers more widely known<sup>153</sup> and providing more payment options for naturalization fees.<sup>154</sup> Many also characterize the naturalization application forms and instructions as excessively complex and unclear, with potential legal consequences for incorrect responses.<sup>155</sup> They contend that prospective naturalization petitioners may be deterred from applying, and that simplifying the language in the N-400 application and instructions would make the naturalization process more accessible. Others raise concerns over the naturalization residency requirements (see “**Continuous Residence**” above) which disadvantages LPRs based overseas for employment. Such individuals must wait until they physically reside in the United States to fulfill the naturalization requirements, prolonging their time required to naturalize.<sup>156</sup>

<sup>150</sup> See archived CRS Report RL33079, *Birthright Citizenship Under the 14<sup>th</sup> Amendment of Persons Born in the United States to Alien Parents*, by Margaret Mikyung.

<sup>151</sup> See National Immigration Forum, *Making the Naturalization Process Less Daunting by Reforming the USCIS Fee Structure*, Washington, DC, 2011; commentary by the United States Conference of Catholic Bishops, Hebrew Immigrant Aid society, and Immigration Policy Center in National Foundation for American Policy, *Reforming the Naturalization Process*, NFAP Policy Brief, August 2011; and Joyce Baldwin, *Helping Immigrants Become U.S. Citizens*, Carnegie Corporation of New York, The New Americans Campaign, vol. 7, no. 2, Summer 2013 (hereinafter “Helping Immigrants, 2013.”)

<sup>152</sup> Manuel Pastor, Jared Sanchez, and Rhonda Ortiz, et al., *Nurturing Naturalization: Could Lowering the Fee Help?*, Center for the Study of Immigrant Integration, University of Southern California, February 2013.

<sup>153</sup> See “Helping Immigrants, 2013.”

<sup>154</sup> See commentary of the United States Conference of Catholic Bishops and the Hebrew Immigrant Aid society in National Foundation for American Policy, *Reforming the Naturalization Process*, NFAP Policy Brief, August 2011.

<sup>155</sup> See commentary of Mary Giovagnoli, Immigration Policy Center, in National Foundation for American Policy, *Reforming the Naturalization Process*, NFAP Policy Brief, August 2011.

<sup>156</sup> See commentary of Cyrus D. Mehta and Gary Endelman in National Foundation for American Policy, *Reforming the Naturalization Process*, NFAP Policy Brief, August 2011.

## Appendix A.

**Table A-I. N-400 Naturalization Processing, FY1991-FY2012**

Fiscal Year	Petitions Filed	Persons Naturalized				Petitions Denied
		Total	Civilian	Military	Not Reported	
1991	206,668	307,394	298,741	1,802	6,851	6,268
1992	342,238	239,664	221,997	5,699	11,968	19,293
1993	521,866	313,590	302,383	7,062	4,145	39,931
1994	543,353	429,123	398,364	5,890	24,869	40,561
1995	959,963	485,720	472,518	3,855	9,347	46,067
1996	1,277,403	1,040,991	924,368	1,214	115,409	229,842
1997	1,412,712	596,010	532,871	531	62,608	130,676
1998	932,957	461,169	437,689	961	22,519	137,395
1999	765,346	837,418	740,718	711	95,989	379,993
2000	460,916	886,026	812,579	836	72,611	399,670
2001	501,643	606,259	575,030	758	30,471	218,326
2002	700,649	572,646	550,835	1,053	20,758	139,779
2003	523,370	462,435	449,123	3,865	9,447	91,599
2004	662,796	537,151	520,771	4,668	11,712	103,339
2005	602,972	604,280	589,269	4,614	10,397	108,247
2006	730,642	702,589	684,484	6,259	11,846	120,722
2007	1,382,993	660,477	648,005	3,808	8,664	89,683
2008	525,786	1,046,539	1,032,281	4,342	9,916	121,283
2009	570,442	743,715	726,043	7,100	10,572	109,813
2010	710,544	619,913	604,410	9,122	6,381	56,994
2011	756,008	694,193	677,385	8,373	8,435	57,065
2012	899,162	757,434	745,932	7,257	4,245	65,874

**Source:** DHS Office of Immigration Statistics, Yearbook of Immigration Statistics: 2012, Table 20.

**Notes:** Because petitions filed in a given fiscal year may be processed in subsequent years, the number of petitions filed do not equal the sum of total persons naturalized and petitions denied.

## Appendix B. Selected Links to Naturalization Information and Application Materials

### NATURALIZATION INFORMATION

#### *Guide to Naturalization*

<http://www.uscis.gov/files/article/M-476.pdf>

#### *10 Steps to Naturalization*

<http://www.uscis.gov/USCIS/files/M-1051.pdf>

#### *I am a Permanent Resident—How Do I Apply for U.S. Citizenship?*

<http://www.uscis.gov/USCIS/Resources/B3en.pdf>

#### *Naturalization Information for Military Personnel*

<http://www.uscis.gov/files/form/m-599.pdf>

#### *USCIS Policy Manual: Citizenship and Naturalization*

<http://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12.html>

### NATURALIZATION APPLICATION MATERIALS

#### *N-400 Application and Instructions for Naturalization*

<http://www.uscis.gov/files/form/n-400.pdf>

#### *Instructions for N-400 Application for Naturalization*

<http://www.uscis.gov/files/form/n-400instr.pdf>

#### *Document Checklist*

<http://www.uscis.gov/files/article/attachments.pdf>

#### *Citizenship Resource Center*

<http://www.uscis.gov/portal/site/uscis/citizenship>

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